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27256	7590	12/12/2006	EXAMINER DWIVEDI, MAHESH H	
ARTZ & ARTZ, P.C. 28333 TELEGRAPH RD. SUITE 250 SOUTHFIELD, MI 48034			ART UNIT 2168	PAPER NUMBER

DATE MAILED: 12/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/605,821	<b>Applicant(s)</b> BURT, TERENCE M.	
	<b>Examiner</b> Mahesh H. Dwivedi	<b>Art Unit</b> 2168	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 October 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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## **DETAILED ACTION**

### ***Response to Amendment***

1. Receipt of Applicant's Amendment, filed on 10/10/2006, is acknowledged. The amendment includes the amending of the specification and the amending of claims 1, 12-13, and 22.

### ***Drawings***

2. The objections raised in the office action mailed on 05/08/2006 have been overcome by the applicant's amendment received on 10/10/2006.

### ***Specification***

3. The objections raised in the office action mailed on 05/08/2006 have been overcome by the applicant's amendment received on 10/10/2006.

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claims 1, 13, and 22 all claim the limitation "non-key Web pages". The specification does not define "non-key" web pages, nor is any mention of the term in specification. For the purposes of the examination of the instant application, the examiner interprets "non-key" web pages as pages that are unimportant and not main features of the webpage (an example would be a hyperlink to an old article in a newspaper's webpage).

### ***Claim Rejections - 35 USC § 112***

4. The rejections raised in the office action mailed on 05/08/2006 have been overcome by the applicant's amendment received on 10/10/2006.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 22-25 are rejected under 35 U.S.C. 102(b) as being anticipated by **Burema et al.** ("Burema" (U.S. PGPUB 2002/0029290)).

7. Regarding claim 22, **Burema** teaches a method comprising:

A) requesting a URL from at least one of a referring server or host server with a Web browser (Paragraphs 28, 31, and 45);

B) checking identifiers of at least one of said requested URL, said referring server, and said requesting Web browser (Paragraphs 29-30, 37-44);

C) determining the affiliation of said referring server or said requesting Web browser in response to said identifiers (Paragraphs 33-37, 71);

C) sending an identifier file and redirecting said requesting Web browser to a specified key Web page in response to said requested URL identifier if said requesting Web browser is determined to be an affiliated Web browser (Paragraphs 50-51);

D) determining the affiliation of said referring server or said requesting Web browser in response to said identifiers (Paragraphs 33-37, 71);

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E) linking said referring server or said requesting Web browser to a host server comprising both a plurality of non-key Web pages and said specified key Web page (Paragraphs 31 and 50);

F) serving either at least one of said plurality of non-key Web pages or said specified key Web page in response to a non-affiliated server or a non-affiliated Web (Paragraph 71); and

G) performing affiliated processing in response to at least one of an affiliated server or an affiliated Web browser by serving said specified key Web page (Paragraphs 33-37, 45).

The examiner notes that **Burema** teaches “**requesting a URL from at least one of a referring server or host server with a Web browser**” as “a user selects, i.e., clicks on, the partner site code represented as a banner or a text link, the banner is served to the server. Simultaneously, the user is redirected to the tracking system server” (Paragraph 45). The examiner further notes that it is clear that the transaction pages and entry pages of **Burema** are the key pages, and the rest of the pages (see “freely browse the website”) represent the non-key web pages. The examiner further notes that **Burema** teaches “**checking identifiers of at least one of said requested URL, said referring server, and said requesting Web browser**” as “Tracking system server 120 includes a tracking system software 142 that writes out a cookie 128 to client 105 and transmits transaction information to client 105” (Paragraph 30) and “logs information about the user, writes a cookie out to the client (Paragraph 31). The examiner further notes that **Burema** teaches “**determining the affiliation of said**

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**referring server or said requesting Web browser in response to said identifiers”**

as “the transaction information is sent to the tracking system for matching, a process which determines whether a user was referred to a merchant via a particular affiliate”

(Paragraph 71). The examiner further notes that **Burema** teaches “**sending an identifier file and redirecting said requesting Web browser to a specified key Web page in response to said requested URL identifier if said requesting Web browser is determined to be an affiliated Web browser**” as “the user enters the merchant’s

site that he or she has been redirected to, the tracking system software (specifically, the cookie creation and verification piece 146, which resides in the merchant server 115)

creates a tracking system cookie and sends the cookie and transaction information 160

to server 120 and client 105” (Paragraph 51). The examiner further notes that **Burema**

teaches “**linking said referring server or said requesting Web browser to a host server comprising both a plurality of non-key Web pages and said specified key**

**Web page**” as “the tracking system server determines the location, i.e., the URL of the merchant server entry page, i.e., an HTML form 150 and redirects the client 105 to that

page. The user may freely browse the merchant’s web site until reaching a transaction

page. After making a purchase, or otherwise submitting a transaction... logs information

about the user, writes a cookie out to the client 105” (Paragraph 31) and “the script then

redirects the user to the merchant server 324” (Paragraph 50). The examiner further

notes that it is clear that the transaction pages and entry pages of **Burema** are the key

pages, and the rest of the pages (see “freely browse the website”) represent the non-

key web pages. The examiner further notes that **Burema** teaches “**serving either at**

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**least one of said plurality of non-key Web pages or said specified key Web page in response to a non-affiliated server or a non-affiliated Web**” as “if a user does not have any cookies” (Paragraph 71), and “the transaction information is sent to the tracking system for matching, a process which determines whether a user was referred to a merchant via a particular affiliate” (Paragraph 71). The examiner further notes that **Burema teaches “performing affiliated processing in response to at least one of an affiliated server or an affiliated Web browser by serving said specified key Web page”** as “the script checks the validity of the input variables” (Paragraph 45).

Regarding claim 23, **Burema** further teaches a method comprising:

A) wherein checking said referring identifier further comprises checking a domain name or an Internet Protocol address (Paragraphs 31 and 40).

The examiner notes that **Burema** teaches “**wherein checking said referring identifier further comprises checking a domain name or an Internet Protocol address**” as “User IP address” (Paragraph 40).

Regarding claim 24, **Burema** further teaches a method comprising:

A) specifying said affiliated server or said affiliated browser for affiliated processing and output, wherein said affiliated processing generates a custom output for a host server to provide to a client browser (Paragraphs 33, 45, and 51).

The examiner notes that **Burema** teaches “**specifying said affiliated server or said affiliated browser for affiliated processing and output, wherein said affiliated**



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**processing generates a custom output for a host server to provide to a client**

**browser”** as “As the user enters the merchant's site that he or she has been redirected to” (Paragraph 51).

Regarding claim 25, **Burema** further teaches a method comprising:

A) retrieving said requested URL identifier through said processing script from a host server input variable, as defined in an HTTP specification (Paragraphs 37-44);

B) retrieving said referring server identifier through said processing script from a host server environment variable, as defined in an HTTP specification (Paragraphs 37-44);  
and

C) retrieving said requesting Web browser identifier through said processing script from a browser identifier file, as defined in an HTTP specification (Paragraphs 50-51, and 71).

The examiner notes that **Burema** teaches “**retrieving said requested URL identifier through said processing script from a host server input variable, as defined in an HTTP specification**” as “More specifically, as indicated in the above script, the <img> section of the code tracking system server calls and executes the banner display program (/cgi-bin/pv.pl) using the content provider site id (“sid”) and profile id (“pid”) as input variables” (Paragraph 37). The examiner further notes that **Burema** teaches “**retrieving said referring server identifier through said processing script from a host server environment variable, as defined in an HTTP specification**” as “More specifically, as indicated in the above script, the <img> section



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of the code tracking system server calls and executes the banner display program (/cgi-bin/pv.pl) using the content provider site id ("sid") and profile id ("pid") as input variables" (Paragraph 37). The examiner further notes that **Burema** teaches "**retrieving said requesting Web browser identifier through said processing script from a browser identifier file, as defined in an HTTP specification**" as "More specifically, as indicated in the above script, the <img> section of the code tracking system server calls and executes the banner display program (/cgi-bin/pv.pl) using the content provider site id ("sid") and profile id ("pid") as input variables" (Paragraph 37) and "User IP address" (Paragraph 40).

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-8, 10, 12-17, and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Burema et al.** (U.S. PG PUB 2002/0029290) as applied to claims 22-25 and in view of **Baudu et al.** (U.S. PG PUB 2002/0052948).

10. Regarding claim 1, **Burema** teaches a method comprising:

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- A) operating a host server having a plurality of non-key Web page documents and a set of key specified Web page document (Paragraph 31);
- B) defining a set of encoded URLs as affiliated URLs (Paragraphs 45-50);
- C) defining a set of identifier files to correspond to said affiliated URLs (Paragraphs 29-30, 51);
- D) defining said set of identifier files to identify client browsers requesting said affiliated URLs as affiliated clients (Paragraphs 29-30, 51);
- E) defining said processing script to process requests for said key URLs, said encoded URLs, and said affiliated clients (Paragraphs 33, and 37-44); and
- F) checking an identifier file for a pre-defined affiliated status (Paragraphs 33, and 37-44).

The examiner notes that **Burema** teaches “operating a host server having a plurality of non-key Web page documents and a set of key specified Web page document” as “the tracking system server determines the location, i.e., the URL of the merchant server entry page, i.e., an HTML form 150 and redirects the client 105 to that page. The user may freely browse the merchant’s web site until reaching a transaction page. After making a purchase, or otherwise submitting a transaction...logs information about the user, writes a cookie out to the client 105” (Paragraph 31). The examiner further notes that it is clear that the transaction pages and entry pages of **Burema** are the key pages, and the rest of the pages (see “freely browse the website”) represent the non-key web pages. The examiner further notes that **Burema** teaches “**defining a set of encoded URLs as affiliated URLs**” as “the script checks the validity of the input

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variables" (Paragraph 45) and "redirection URL" (Paragraph 50). The examiner further notes that **Burema** teaches **"defining a set of identifier files to correspond to said affiliated URLs"** as "the tracking system software (specifically, the cookie creation and verification piece 146, which resides in merchant server 115) creates a tracking system cookie and sends the cookie and transaction information 160 to server 120 and client 105" (Paragraph 51). The examiner further notes that **Burema** teaches **"defining said set of identifier files to identify client browsers requesting said affiliated URLs as affiliated clients"** as "the tracking system software (specifically, the cookie creation and verification piece 146, which resides in merchant server 115) creates a tracking system cookie and sends the cookie and transaction information 160 to server 120 and client 105" (Paragraph 51). The examiner further notes that **Burema** teaches **"defining said processing script to process requests for said key URLs, said encoded URLs, and said affiliated clients"** as "More specifically, as indicated in the above script, the <img> section of the code tracking system server calls and executes the banner display program (/cgi-bin/pv.pl) using the content provider site id ("sid") and profile id ("pid") as input variables" (Paragraph 37) and "User IP address" (Paragraph 41). The examiner further notes that **Burema** teaches **"checking an identifier file for a pre-defined affiliated status"** as "The transaction transmittal program determines whether a user has disabled the cookie feature on his or her computer as follows...if a user does not have any cookies" (Paragraph 71) and "the transaction information is sent to the tracking system for matching, a process which determines whether a user was referred to a merchant via a particular affiliate" (Paragraph 71).

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**Burema** does not explicitly teach:

- G) defining a set of key uniform resource locators (URLs) to be rewritten by a host server as a processing script;
- H) defining said set of key URLs to correspond to said set of specified key Web page documents as a function of said processing script;
- I) defining a set of referring servers as affiliated servers.

**Baudu**, however, teaches “**defining a set of key uniform resource locators (URLs) to be rewritten by a host server as a processing script**” as “reference rewriting module 1130” (Paragraph 38), and “A URL extraction module 5500 parses the response 5400 to identify URLs that should be rewritten” (Paragraph 65), “**defining said set of key URLs to correspond to said set of specified key Web page documents as a function of said processing script**” as “links in the component resources (with a few exceptions described below) are rewritten to point to a server system hosting the platform” (Paragraph 59), and “**defining a set of referring servers as affiliated servers**” as “That is, when a Merchant has agreed to an Affiliates’ acceptance of an offer the link to a composite site” (Paragraph 58).

The examiner notes that it is common knowledge that when there is an agreement between an affiliate and a merchant site, the merchant site proceeds on “**defining a set of referring servers as affiliated servers**”.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because teaching **Baudu’s** would have allowed **Burema’s** to prevent merchants and affiliates from having

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to modify their sites, and allow for convenient deploying, scalability, and comprehensive real-time information gathering for affiliate agreements, as noted by **Baudu** (Paragraphs 9-10).

Regarding claim 2, **Burema** further teaches a method comprising:

A) wherein checking said identifier for said predefined affiliated status further comprises at least one of: checking an identifier of an encoded URL for pre-defined affiliated URL status, checking an identifier of a referring server for pre-defined affiliated server status, or checking an identifier file of a requesting client browser for affiliated client status (Paragraphs 33, 37-44, 50-51, and 71).

The examiner notes that **Burema** teaches “**wherein checking said identifier for said predefined affiliated status further comprises at least one of: checking an identifier of an encoded URL for pre-defined affiliated URL status, checking an identifier of a referring server for pre-defined affiliated server status, or checking an identifier file of a requesting client browser for affiliated client status**” as “Content provider site id (sid)” (Paragraph 38) and “As the user enters the merchant’s site that he or she has been redirected to, the tracking system software (specifically, the cookie creation and verification piece 146, which resides in merchant server 115) creates a tracking system cookie and sends the cookie and transaction information 160 to server 120 and client 105” (Paragraph 51).

Regarding claim 3, **Burema** further teaches a method comprising:

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A) reading one of said set of key page documents in response to a non-affiliated server or, if affiliated server status cannot be determined, in response to a non-affiliated client (Paragraph 71).

The examiner notes that **Burema** teaches “**reading one of said set of key page documents in response to a non-affiliated server or, if affiliated server status cannot be determined, in response to a non-affiliated client**” as “if a user does not have any cookies” (Paragraph 71), and “the transaction information is sent to the tracking system for matching, a process which determines whether a user was referred to a merchant via a particular affiliate” (Paragraph 71). The examiner further notes that it is common knowledge that the merchant site will still serve content and web pages to clients deemed not to have been sent via an affiliate.

Regarding claim 4, **Burema** further teaches a method comprising:

A) processing said requested key page document and writing the output to a client browser (Paragraphs 50-51).

The examiner notes that **Burema** teaches “**processing said requested key page document and writing the output to a client browser**” as “As the user enters the merchant’s site that he or she has been redirected to” (Paragraph 51).

Regarding claim 5, **Burema** further teaches a method comprising:

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A) sending an identifier file to a requesting client browser (currently "setting a cookie") in response to said affiliated URLs to identify said requesting client as an affiliated client (Paragraphs 29-30, 51, and 71).

The examiner notes that **Burema** teaches "**sending an identifier file to a requesting client browser (currently "setting a cookie") in response to said affiliated URLs to identify said requesting client as an affiliated client**" as "if a user does not have any cookies" (Paragraph 71), and "the tracking system software (specifically, the cookie creation and verification piece 146, which resides in merchant server 115) creates a tracking system cookie and sends the cookie and transaction information 160 to server 120 and client 105" (Paragraph 51).

Regarding claim 6, **Burema** further teaches a method comprising:

A) redirecting said affiliated clients to increase link traffic for said specified key page document (Paragraphs 50-51).

The examiner notes that **Burema** teaches "**redirecting said affiliated clients to increase link traffic for said specified key page document**" as "The script then redirects the user to the merchant server (324)" (Paragraph 50) and "As the user enters the merchant's site that he or she has been redirected to" (Paragraph 51).

Regarding claim 7, **Burema** further teaches a method comprising:

A) performing affiliated processing in response to said affiliated server or said affiliated client as a function of said processing script (Paragraphs 33-37, 45).



The examiner notes that **Burema** teaches “**performing affiliated processing in response to said affiliated server or said affiliated client as a function of said processing script**” as “The script then retrieves from the affiliate data store 155 information about the affiliate and the merchant” (Paragraph 45) and “the script checks the validity of the input variables and generates a unique tracking system information identification” (Paragraph 45).

Regarding claim 8, **Burema** further teaches a method comprising:

A) specifying affiliated output for said affiliated server or said affiliated client, wherein said processing script generates a custom output for a host server to provide to a client browser (Paragraphs 33, 45, and 51).

The examiner notes that **Burema** teaches “**specifying affiliated output for said affiliated server or said affiliated client, wherein said processing script generates a custom output for a host server to provide to a client browser**” as “As the user enters the merchant’s site that he or she has been redirected to” (Paragraph 51).

Regarding claim 10, **Burema** further teaches a method comprising:

A) processing client Web browser requests using at least one of server input variables, server environment variables, or browser identifier files (Paragraphs 37-44); and  
B) generating output to a client using at least one of data files, configuration files, or custom program files (Paragraphs 33, 45, and 51).

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The examiner notes that **Burema** teaches “**processing client Web browser requests using at least one of server input variables, server environment variables, or browser identifier files**” as “User IP address” (Paragraph 41). The examiner further notes that **Burema** teaches “**generating output to a client using at least one of data files, configuration files, or custom program files**” as “As the user enters the merchant’s site that he or she has been redirected to” (Paragraph 51).

Regarding claim 12, **Burema** further teaches a method comprising:

- A) retrieving an identifier through said processing script from a server input variable (Paragraphs 33, and 37-44);
- B) specifying sending an identifier file to the Web browser or checking for a referring server URL as a function of whether said identifier is a Web browser identifier or a referring server identifier (Paragraphs 50-51, and 71);
- C) retrieving a referring server URL through said processing script from a server environment variable defined in an HTTP specification (Paragraphs 31 and 37);
- D) specifying, through said referring server URL, at least one of a processing function to perform or a Web page to process (Paragraphs 31, 45, and 51);
- E) requesting an identifier file from said Web browser as a function of a lack of said referring server URL (Paragraph 71);
- F) retrieving said identifier file from said Web browser, and using said identifier file to specify processing to perform (Paragraph 71); and
- G) serving said Web page in response to a lack of said identifier file (Paragraph 71).

The examiner notes that **Burema** teaches “**retrieving an identifier through said processing script from a server input variable**” as “More specifically, as indicated in the above script, the <img> section of the code tracking system server calls and executes the banner display program (/cgi-bin/pv.pl) using the content provider site id (“sid”) and profile id (“pid”) as input variables” (Paragraph 37) and “User IP address” (Paragraph 41). The examiner further notes that **Burema** teaches “**specifying sending an identifier file to the Web browser or checking for a referring server URL as a function of whether said identifier is a Web browser identifier or a referring server identifier**” as “The script then redirects the user to the merchant server (324)...the script creates a unique identifier by encrypting the sid, pid, user’s IP address and user browser information” (Paragraph 50). The examiner further notes that **Burema** teaches “**retrieving a referring server URL through said processing script from a server environment variable defined in an HTTP specification**” as “More specifically, as indicated in the above script, the <img> section of the code tracking system server calls and executes the banner display program (/cgi-bin/pv.pl) using the content provider site id (“sid”) and profile id (“pid”) as input variables” (Paragraph 37). The examiner further notes that **Burema** teaches “**specifying, through said referring server URL, at least one of a processing function to perform or a Web page to process**” as “Once the banner has been displayed on a user’s screen, via a browser, the user may select the banner (308). When a user selects, i.e., clicks on, the partner site code represented as a banner or a text link, the banner is served to the user (312)” (Paragraph 45). The examiner further notes that **Burema** teaches “**requesting an**

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**identifier file from said Web browser as a function of a lack of said referring server URL**” as The transaction transmittal program determines whether a user has disabled the cookie feature on his or her computer as follows...if a user does not have any cookies” (Paragraph 71) and “the transaction information is sent to the tracking system for matching, a process which determines whether a user was referred to a merchant via a particular affiliate” (Paragraph 71). The examiner further notes that **Burema** teaches “**retrieving said identifier file from said Web browser, and using said identifier file to specify processing to perform**” as “The transaction transmittal program determines whether a user has disabled the cookie feature on his or her computer as follows...if a user does not have any cookies” (Paragraph 71) and “the transaction information is sent to the tracking system for matching, a process which determines whether a user was referred to a merchant via a particular affiliate” (Paragraph 71). The examiner further notes that **Burema** teaches “**serving said Web page in response to a lack of said identifier file**” as “if a user does not have any cookies” (Paragraph 71) and “the transaction information is sent to the tracking system for matching, a process which determines whether a user was referred to a merchant via a particular affiliate” (Paragraph 71).

Regarding claim 13, **Burema** teaches a system comprising:

A) a host server having a plurality of non-key Web pages and at least one specified key Web page (Paragraph 31);

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B) wherein said processing script processes a Web browser request by checking a host server input variable, a referring server identifier, and a Web browser identifier file (Paragraphs 33, 37-45, and 50-51);

C) thereby determining whether said referring server comprises an affiliated server or a non-affiliated server or whether said Web browser comprises an affiliated Web browser or a non-affiliated Web browser; (Paragraphs 33, 37-44, 51, and 71);

D) performs affiliated processing in response to said affiliated server or said affiliated Web browser (Paragraphs 33-37, 45);

E) processes said URL in response to said non-affiliated server or non-affiliated browser (Paragraph 71); and

F) wherein said host server serves output to said requesting Web browser (Paragraphs 31, 33, 45, and 51);

G) said output including either at least one of said non-key Web pages or said at least one specified key Web page if said referring server or said Web browser is determined to be non-affiliated (Paragraph 31);

H) said output including at least one of said specified key Web page if said referring server or said Web browser is determined to be affiliated (Paragraph 31).

The examiner notes that **Burema** teaches “**a host server having a plurality of non-key Web pages and at least one specified key Web page**” as “the tracking system server determines the location, i.e., the URL of the merchant server entry page, i.e., an HTML form 150 and redirects the client 105 to that page. The user may freely browse the merchant’s web site until reaching a transaction page. After making a

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purchase, or otherwise submitting a transaction...logs information about the user, writes a cookie out to the client 105" (Paragraph 31). The examiner further notes that it is clear that the transaction pages and entry pages of **Burema** are the key pages, and the rest of the pages (see "freely browse the website") represent the non-key web pages. The examiner further notes that **Burema** teaches "wherein said processing script processes a Web browser request by checking a host server input variable, a referring server identifier, and a Web browser identifier file" as "the script checks the validity of the input variables" (Paragraph 45) and "The script then redirects the user to the merchant server (324)...the script creates a unique identifier by encrypting the sid, pid, user's IP address and user browser information" (Paragraph 50). The examiner further notes that **Burema** teaches "thereby determining whether said referring server comprises an affiliated server or a non-affiliated server or whether said Web browser comprises an affiliated Web browser or a non-affiliated Web browser" as "if a user does not have any cookies" (Paragraph 71), and "the transaction information is sent to the tracking system for matching, a process which determines whether a user was referred to a merchant via a particular affiliate" (Paragraph 71). The examiner further notes that **Burema** teaches "performs affiliated processing in response to said affiliated server or said affiliated Web browser" as "the script checks the validity of the input variables" (Paragraph 45). The examiner further notes that **Burema** teaches "processes said URL in response to said non-affiliated server or non-affiliated browser" as "if a user does not have any cookies" (Paragraph 71), and "the transaction information is sent to the tracking system for matching, a



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process which determines whether a user was referred to a merchant via a particular affiliate" (Paragraph 71). The examiner further notes that **Burema** teaches "wherein said host server serves output to said requesting Web browser" as "the tracking system server determines the location, i.e., the URL of the merchant server entry page, i.e., an HTML form 150 and redirects the client 105 to that page. The user may freely browse the merchant's web site until reaching a transaction page. After making a purchase, or otherwise submitting a transaction...logs information about the user, writes a cookie out to the client 105" (Paragraph 31). The examiner further notes that **Burema** teaches "said output including either at least one of said non-key Web pages or said at least one specified key Web page if said referring server or said Web browser is determined to be non-affiliated" as "the tracking system server determines the location, i.e., the URL of the merchant server entry page, i.e., an HTML form 150 and redirects the client 105 to that page. The user may freely browse the merchant's web site until reaching a transaction page. After making a purchase, or otherwise submitting a transaction...logs information about the user, writes a cookie out to the client 105" (Paragraph 31). The examiner further notes that **Burema** teaches "said output including at least one of said specified key Web page if said referring server or said Web browser is determined to be affiliated" as "the tracking system server determines the location, i.e., the URL of the merchant server entry page, i.e., an HTML form 150 and redirects the client 105 to that page. The user may freely browse the merchant's web site until reaching a transaction page. After making a



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purchase, or otherwise submitting a transaction...logs information about the user, writes a cookie out to the client 105" (Paragraph 31).

**Burema** does not explicitly teach:

l) said host server rewriting each of a set of URLs as a processing script.

**Baudu**, however, teaches "said host server rewriting each of a set of URLs as a processing script" as "reference rewriting module 1130" (Paragraph 38), and "A URL extraction module 5500 parses the response 5400 to identify URLs that should be rewritten" (Paragraph 65) and "links in the component resources (with a few exceptions described below) are rewritten to point to a server system hosting the platform" (Paragraph 59).

The examiner notes that it is common knowledge that when there is an agreement between an affiliate and a merchant site, the merchant site "**defining a set of referring servers as affiliated servers**".

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because teaching **Baudu's** would have allowed **Burema's** to prevent merchants and affiliates from having to modify their sites, and allow for convenient deploying, scalability, and comprehensive real-time information gathering for affiliate agreements, as noted by **Baudu** (Paragraphs 9-10).

Regarding claim 14, **Burema** further teaches a system comprising:

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A) a client browser requesting a Web page, which activates said referring server (Paragraphs 27, and 45); and

B) an affiliated client browser requesting a Web page, which activates said host server (Paragraph 45).

The examiner notes that **Burema** teaches **“a client browser requesting a Web page, which activates said referring server”** as “Client 105 communicates with partner server 110 via browser software 101” (Paragraph 27) and “a user selects, i.e., clicks on, the partner site code represented as a banner or a text link, the banner is served to the server. Simultaneously, the user is redirected to the tracking system server” (Paragraph 45). The examiner further notes that **Burema** teaches **“an affiliated client browser requesting a Web page, which activates said host server”** as “Client 105 communicates with partner server 110 via browser software 101” (Paragraph 27) and “a user selects, i.e., clicks on, the partner site code represented as a banner or a text link, the banner is served to the server. Simultaneously, the user is redirected to the tracking system server” (Paragraph 45).

Regarding claim 15, **Burema** further teaches a system comprising:

A) wherein said referring server comprises said affiliated server referring a request from said client browser to said host server (Paragraphs 27-28, and 45, Figure 1).

The examiner notes that **Burema** teaches **“wherein said referring server comprises said affiliated server referring a request from said client browser to said host server”** as “Client 105 communicates with partner server 110 via browser

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software 101" (Paragraph 27) and "Affiliate server 110 further includes the HTML code" (Paragraph 28).

Regarding claim 16, **Burema** further teaches a system comprising:

A) wherein said referring server comprises said non-affiliated server referring a request from said client browser to said host server (Paragraph 71).

The examiner notes that **Burema** teaches "**wherein said referring server comprises said non-affiliated server referring a request from said client browser to said host server**" as "if a user does not have any cookies" (Paragraph 71), and "the transaction information is sent to the tracking system for matching, a process which determines whether a user was referred to a merchant via a particular affiliate" (Paragraph 71). The examiner further notes that it is common knowledge that the merchant site will still serve content and web pages to clients deemed not to have been sent via an affiliate server.

Regarding claim 17, **Burema** further teaches a system comprising:

A) wherein affiliated output is specified within said host server for said affiliated server or said affiliated client (Paragraphs 33 , 45, and 51) and

B) wherein output specified by said requested URL is generated for said non-affiliated server or non-affiliated client (Paragraph 71); and

C) wherein said host server serves said output to a client browser as a function of said identifiers (Paragraphs 33, 45, and 51).

The examiner notes that **Burema** teaches “**wherein affiliated output is specified within said host server for said affiliated server or said affiliated client**” as “As the user enters the merchant’s site that he or she has been redirected to” (Paragraph 51). The examiner further notes that **Burema** teaches “**wherein output specified by said requested URL is generated for said non-affiliated server or non-affiliated client**” as “As the user enters the merchant’s site that he or she has been redirected to” (Paragraph 51). The examiner further notes that **Burema** teaches “**wherein said host server serves said output to a client browser as a function of said identifiers**” as “As the user enters the merchant’s site that he or she has been redirected to” (Paragraph 51).

Regarding claim 20, **Burema** further teaches a system comprising:

A) wherein said host server and said Web browser operate on a network using HTTP, POP3, or NNTP (Paragraph 32).

The examiner notes that **Burema** teaches “**wherein said host server and said Web browser operate on a network using HTTP, POP3, or NNTP**” as “a network that supports HTTP transmission protocol” (Paragraph 32).

Regarding claim 21, **Burema** further teaches a system comprising:

A) wherein said host server processes client Web browser requests using at least one of server input variables, server environment variables, and browser identifier files (Paragraphs 37-44);

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B) said host server generates output to said client using at least one of data files, configuration files, and custom program files (Paragraphs 33, 45, and 51).

The examiner notes that **Burema** teaches “**wherein said host server processes client Web browser requests using at least one of server input variables, server environment variables, and browser identifier files**” as “User IP address” (Paragraph 41). The examiner further notes that **Burema** teaches “**said host server generates output to said client using at least one of data files, configuration files, and custom program files**” as “As the user enters the merchant’s site that he or she has been redirected to” (Paragraph 51).

11. Claims 9, 11, and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Burema et al.** (U.S. PG PUB 2002/0029290) as applied to claims 22-25 and in view of **Baudu et al.** (U.S. PG PUB 2002/0052948) as applied to claims 1-8, 10, 12-17, and 20-21, and further in view of **Simons** (U.S. PG PUB 2003/0014331).

12. Regarding claim 9, **Burema** and **Baudu** do not explicitly teach a method comprising:

A) recording said requested key page document as a uniform resource locator in a search engine.

**Simons**, however, teaches “**recording said requested key page document as a uniform resource locator in a search engine**” as “The consumer computer 12 displays the search results 44 received from the search engine server 16. In this example, the hyperlinks associated with four merchants, P, Q, R, and S are displayed”

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(Paragraph 40) and “the consumer first clicks the hyperlink associated with merchant P on the search results page” (Paragraph 42).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because teaching **Simons’s** would have allowed **Burema’s** and **Buadu’s** to provide a method to maximize incentives for merchants and affiliates thorough maximizing commissions through the use of popular search engines for affiliating marketing, as noted by **Simons** (Paragraph 4).

Regarding claim 11, **Burema** and **Baudu** do not explicitly teach a method comprising:

A) generating an increased importance value of key uniform resource locators for search engines that determine said importance as a function of links and referrals thereto from said referring server or other Web servers.

**Simons**, however, teaches “**generating an increased importance value of key uniform resource locators for search engines that determine said importance as a function of links and referrals thereto from said referring server or other Web servers**” as “The search facility ranks the merchants for display in search results based upon the commissions paid and possibly other factors” (Abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because teaching **Baudu’s** and **Simons’s** would have allowed **Burema’s** to provide a method to

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maximize incentives for merchants and affiliates thorough maximizing commissions through the use of popular search engines for affiliating marketing, as noted by **Simons** (Paragraph 4):

Regarding claim 18, **Burema** and **Baudu** do not explicitly teach a system comprising:

A) wherein a search engine spider locates a referring server or said host server.

**Simons**, however, teaches “**wherein a search engine spider locates a referring server or said host server**” as “system server 102 retrieves new information for purchases, merchants, referring affiliate sites, and other activity” (Paragraph 117).

The examiner notes that it is common knowledge that a spider seeks and obtains new content constantly.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because teaching **Simons’s** would have allowed **Burema’s** and **Baudu’s** to provide a method to maximize incentives for merchants and affiliates thorough maximizing commissions through the use of popular search engines for affiliating marketing, as noted by **Simons** (Paragraph 4).

Regarding claim 19, **Burema** and **Baudu** do not explicitly teach a system comprising:



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A) wherein said Web browser activates a search engine server that locates either a referring server or said host server.

**Simons**, however, teaches “**wherein said Web browser activates a search engine server that locates either a referring server or said host server**” as “The consumer computer 12 displays the search results 44 received from the search engine server 16. In this example, the hyperlinks associated with four merchants, P, Q, R, and S are displayed” (Paragraph 40) and “the consumer first clicks the hyperlink associated with merchant P on the search results page” (Paragraph 42).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because teaching **Simons’s** would have allowed **Burema’s** and **Baudu’s** to provide a method to maximize incentives for merchants and affiliates thorough maximizing commissions through the use of popular search engines for affiliating marketing, as noted by **Simons** (Paragraph 4).

### ***Response to Arguments***

13. Applicant's arguments filed on 10/10/2006 have been fully considered but they are not persuasive.

Applicant goes on to argue on page 11, that “**Burema, however, does not disclose Applicant’s “method for operating a seamless affiliated link system”**”. In response to applicant's arguments, the recitation “**method for operating a seamless affiliated link system**” has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight

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where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). Furthermore, **Burema** teaches an "affiliated link system" as "The tracking system tracks and verifies transactions resulting from an affiliate web site directing a user to a merchant's web site" (Paragraph 24). The examiner further notes that it is clear that **Burema's** method is used for tracking affiliate related information.

Applicant goes on to argue on page 11, that "**Burema, however, does not disclose wherein a "host server" has both "specified key Web pages" and "non-key Web pages"**". However, The examiner further wishes to point to Paragraph 31 of **Burema** which states "the tracking system server determines the location, i.e., the URL of the merchant server entry page, i.e., an HTML form 150 and redirects the client 105 to that page. The user may freely browse the merchant's web site until reaching a transaction page. After making a purchase, or otherwise submitting a transaction...logs information about the user, writes a cookie out to the client 105" (Paragraph 31). The examiner further notes that it is clear that the transaction pages and entry pages of **Burema** are the key pages, and the rest of the pages (see "freely browse the website") represent the non-key web pages.

Applicant goes on to argue on page 11, that "**Burema, however, does not disclose wherein the specified key Web pages and the non-key Web pages are**

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**particularly served in a discriminating manner based on whether a requesting Web browser or a referring server is determined to be “affiliated” with”.** However, The examiner further wishes to point to Paragraph 31 of **Burema** which states “the tracking system server determines the location, i.e., the URL of the merchant server entry page, i.e., an HTML form 150 and redirects the client 105 to that page. The user may freely browse the merchant’s web site until reaching a transaction page. After making a purchase, or otherwise submitting a transaction...logs information about the user, writes a cookie out to the client 105” (Paragraph 31). The examiner further notes that it is clear that the transaction pages and entry pages of **Burema** are the key pages, and the rest of the pages (see “freely browse the website”) represent the non-key web pages.

Applicant goes on to argue on page 12, that **“Applicant’s good faith belief that Burema, Baudu, and Simons, either alone individually or in combination with each other, neither teach nor suggest the “method” or the “seamless affiliated link system” as now respectfully set forth in Applicant’s independent claims 1 and 13”.** In response to applicant's arguments, the recitation **“seamless affiliated link system”** has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88

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USPQ 478, 481 (CCPA 1951). Furthermore, the combination of the three aforementioned prior art teaches the limitation as claimed. Furthermore, **Burema** teaches an “affiliated link system” as “The tracking system tracks and verifies transactions resulting from an affiliate web site directing a user to a merchant’s web site” (Paragraph 24). The examiner further notes that it is clear that **Burema’s** method is used for tracking affiliate related information.

Applicant goes on to argue on page 12, that “**In sum, therefore, since Burema, Baudu, and Simone, either alone individually or in combination with each other, neither teach nor suggest such a “method” or a “seamless affiliated link system” as particularly set forth in Applicant’s independent claims 1 and 13 amended herein**”. In response to applicant's arguments, the recitation “**seamless affiliated link system**” has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). Furthermore, the combination of the three aforementioned prior art teaches the limitation as claimed. Furthermore, **Burema** teaches an “affiliated link system” as “The tracking system tracks and verifies transactions resulting from an affiliate web site directing a user to a merchant’s web

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site" (Paragraph 24). The examiner further notes that it is clear that **Burema's** method is used for tracking affiliate related information.

### ***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. PGPUB 20010034644 issued to **Anavi et al.** on 25 October 2001. The subject matter disclosed therein is pertinent to that of claims 1-25 (e.g., methods to track affiliate links).

U.S. Patent 6,629,135 issued to **Ross et al.** on 30 September 2003. The subject matter disclosed therein is pertinent to that of claims 1-25 (e.g., methods to track affiliate links).

U.S. PGPUB 2003/0236701 issued to **Rowney et al.** on 25 December 2003. The subject matter disclosed therein is pertinent to that of claims 1-25 (e.g., methods to track affiliate links).

U.S. PGPUB 2003/0023687 issued to **Wolf** on 30 January 2003. The subject matter disclosed therein is pertinent to that of claims 1-25 (e.g., methods to track affiliate links).

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Contact Information***

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mahesh Dwivedi whose telephone number is (571) 272-2731. The examiner can normally be reached on Monday to Friday 8:20 am – 4:40 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo can be reached (571) 272-3642. The fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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Mahesh Dwivedi

Patent Examiner

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November 29, 2006

Leslie Wong   
Primary Examiner



**TIM VO**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2100**